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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,519	01/04/2001	Noboru Shibuya	275738US6	4153

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/20/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/20/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/754,519

Applicant(s)

SHIBUYA ET AL.

Examiner

Matthew T. Henning

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2131

1 This action is in response to the communication filed on 11/24/2006.

2 **DETAILED ACTION**

3 ***Response to Arguments***

4 Applicant's arguments with respect to claims 1-2, 4-7, and 9-11 have been considered but
5 are moot in view of the new ground(s) of rejection.

6 Regarding applicants' argument that in Tatebayashi, power must be supplied to the
7 memory card writer or memory card in order for these devices to function, the examiner does not
8 find the argument persuasive. Paragraph 2 of page 8 of applicants' response, is contradictory.
9 Applicants claim "suppl[y]ing power to said decoding mechanism and said reproduction
10 mechanism", but argues that because power must be supplied to the memory card and memory
11 card writer, which contains the content, the claim language is not met. The examiner points out
12 that there is no claim limitation that states that power is not supplied to the memory card of the
13 system. Furthermore, the examiner points out that nowhere in the applicants specification is
14 there any suggestion that the memory card is not powered during use. By the applicants own
15 arguments, the memory card must be powered for it to function. As such, the examiner does not
16 find the argument persuasive.

17 Regarding applicants' argument that in the teachings of Doi the computer is still powered
18 on, the examiner does not find the argument persuasive. The claim language recites that "power
19 from a power supply of said general-purpose computer is turned off", not from all power
20 supplies. Further, there is no recitation that the general purpose computer is powered off. As
21 such the examiner does not find the argument persuasive.

Art Unit: 2131

1 Claims 12-18 have been examined and Claim 1-11 have been cancelled.

2 All objections and rejections not set forth below have been withdrawn.

3
4 ***Claim Objections***

5 Claims 12-18 are objected to because of the following informalities: Claim 12 Line 8
6 recites the limitation "the decoded data" but the claim does not recite decoding data. Rather the
7 claim recites a mechanism configured to decode data. Appropriate correction is required.

8 ***Claim Rejections - 35 USC § 103***

9 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
10 obviousness rejections set forth in this Office action:

11 *A patent may not be obtained though the invention is not identically disclosed or*
12 *described as set forth in section 102 of this title, if the differences between the subject*
13 *matter sought to be patented and the prior art are such that the subject matter as a*
14 *whole would have been obvious at the time the invention was made to a person having*
15 *ordinary skill in the art to which said subject matter pertains. Patentability shall not be*
16 *negated by the manner in which the invention was made.*
17

18 Claims 12-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over
19 Tatebayashi et al. (U.S. Patent Number 6,859,535) hereinafter referred to as Tate, and further in
20 view of Doi (U.S. Patent Number 5,432,947).

21 Regarding claim 12, Tate disclosed a general-purpose computer having a central
22 processing unit which can decode data stored in an internal storage mechanism as instructed by a
23 program stored in said internal storage mechanism (See Tate Col. 8 Lines 31-51), comprising: a
24 loading mechanism, which is integrally arranged on a case of said general-purpose computer, for
25 detachably accommodating an external storage card (See Tate Fig. 2 Elements 501 and 300); a

Art Unit: 2131

1 decoding mechanism configured to decode data read from said external storage card (See Tate
2 Col. 8 Lines 31-51 and Fig. 6 Element 460); a reproduction mechanism configured to reproduce
3 the decoded data decoded by said decoding mechanism (See Col. 8 Lines 31-51); but failed to
4 disclose a power controller that supplies power to said general-purpose computer, wherein said
5 power controller supplies power to said decoding mechanism and said reproduction mechanism
6 even if power from a power supply of said general-purpose computer is turned off.

7 Doi teaches that supply voltages to any device can be individually controlled (See Doi
8 Col. 18 Paragraph 9). Doi further shows that the voltage supplied to a device can be cut to 0V,
9 shutting off the power to that device (See Doi Fig. 18).

10 It would have been obvious to the ordinary person skilled in the art at the time of
11 invention to employ the teachings of Doi to the music playing system of Tate in order to shut off
12 the power to the idle personal computer and memory card writer while reading the data from the
13 external medium by the content player. This would have been obvious because the ordinary
14 person skilled in the art would have been motivated to reduce the power consumed by the
15 system.

16 Regarding claim 13, Tate and Doi disclosed a cross-authentication mechanism configured
17 to cross-authenticate said external storage card through said loading mechanism (See Tate Col.
18 11 Lines 3-20); and a control mechanism for supplying copyrighted data read from said external
19 storage card to said reproducing mechanism upon successful cross-authentication by said cross-
20 authentication mechanism (See Col. 8 Lines 44-51), wherein said power controller supplies
21 power to said cross-authentication mechanism and said control mechanism even if a power
22 supply of said general-purpose computer turns off See the rejection of claim 12 above).

Art Unit: 2131

1 Regarding claim 14, Tate and Doi disclosed that when said external storage card has been
2 cross-authenticated with said general-purpose computer, an external storage card control
3 mechanism plays copyrighted music data on a portable music playing device by connecting said
4 external storage card to said portable music playing device (See Tate Col. 8 lines 44-51).

5 Regarding claim 15, Tate and Doi disclosed that in an inactive state in which no electric
6 power is supplied to said general-purpose computer, an external storage card control mechanism
7 reads copyrighted data from said external storage card and supplies said copyrighted data to a
8 portable music playing device (See Tate Col. 8 Lines 44-51 and the rejection of claim 12 above).

9 Regarding claim 17, Tate and Doi disclosed that a function equivalent to a portable music
10 playing device is realized by executing, by a controller of said general-purpose computer, a
11 program stored in said internal storage mechanism of said general-purpose computer (See Tate
12 Col. 1 Lines 29-37 and Col. 8 Lines 31-51 and col. 52 Paragraph 1).

13 Regarding claim 18, Tate and Doi disclosed that said internal storage mechanism is a
14 hard drive (See Tate Lines 31-34).

15 Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination
16 of Tate and Doi as applied to claim 4 above, as evidenced by Tagawa et al. (US Patent Number
17 6,351,442) hereinafter referred to as Tagawa. Although Tate failed to disclose the content player
18 having "a display means for displaying an operation of at least one of said external storage card
19 control mechanism and said portable music playing device when said general purpose computer
20 is in said inactive state in which no electric power is supplied to said general- purpose
21 computer", it was well known that media players had displays for displaying the operation of the
22 portable music playing device. Therefore, it would have been obvious to the ordinary person

Art Unit: 2131

1 skilled in the art to have included one in the music player of Tate. This is further evidenced by
2 Tagawa in Col. 15 Paragraph 4.

3 Claims 12-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over
4 Tatebayashi et al. (U.S. Patent Number 6,859,535) hereinafter referred to as Tate, and further in
5 view of Canova, Jr. et al. (U.S. Patent Number 5,230,074), hereinafter referred to as Canova.

6 Regarding claim 12, Tate disclosed a general-purpose computer having a central
7 processing unit which can decode data stored in an internal storage mechanism as instructed by a
8 program stored in said internal storage mechanism (See Tate Col. 8 Lines 31-51), comprising: a
9 loading mechanism, which is integrally arranged on a case of said general-purpose computer, for
10 detachably accommodating an external storage card (See Tate Fig. 2 Elements 501 and 300); a
11 decoding mechanism configured to decode data read from said external storage card (See Tate
12 Col. 8 Lines 31-51 and Fig. 6 Element 460); a reproduction mechanism configured to reproduce
13 the decoded data decoded by said decoding mechanism (See Col. 8 Lines 31-51); but failed to
14 disclose a power controller that supplies power to said general-purpose computer, wherein said
15 power controller supplies power to said decoding mechanism and said reproduction mechanism
16 even if power from a power supply of said general-purpose computer is turned off.

17 Canova teaches that it was common in the art for computers to have a battery for
18 operating the system when it is not plugged into an ac power supply (read the power supply is
19 off) (See Canova Col. 1 Lines 30-44).

20 It would have been obvious to the ordinary person skilled in the art at the time of
21 invention to employ the teachings of Canova to the music playing system of Tate by providing a
22 battery for the system to run off of when an ac power supply is off. This would have been

Art Unit: 2131

1 obvious because the ordinary person skilled in the art would have been motivated to power the
2 system when the ac power supply was off, as was common in the art.

3 Regarding claim 13, Tate and Canova disclosed a cross-authentication mechanism
4 configured to cross-authenticate said external storage card through said loading mechanism (See
5 Tate Col. 11 Lines 3-20); and a control mechanism for supplying copyrighted data read from said
6 external storage card to said reproducing mechanism upon successful cross-authentication by
7 said cross-authentication mechanism (See Col. 8 Lines 44-51), wherein said power controller
8 supplies power to said cross-authentication mechanism and said control mechanism even if a
9 power supply of said general-purpose computer turns off (See the rejection of claim 12 above).

10 Regarding claim 14, Tate and Canova disclosed that when said external storage card has
11 been cross-authenticated with said general-purpose computer, an external storage card control
12 mechanism plays copyrighted music data on a portable music playing device by connecting said
13 external storage card to said portable music playing device (See Tate Col. 8 lines 44-51).

14 Regarding claim 15, Tate and Canova disclosed that in an inactive state in which no
15 electric power is supplied to said general-purpose computer, an external storage card control
16 mechanism reads copyrighted data from said external storage card and supplies said copyrighted
17 data to a portable music playing device (See Tate Col. 8 Lines 44-51 and the rejection of claim
18 12 above).

19 Regarding claim 17, Tate and Canova disclosed that a function equivalent to a portable
20 music playing device is realized by executing, by a controller of said general-purpose computer,
21 a program stored in said internal storage mechanism of said general-purpose computer (See Tate
22 Col. 1 Lines 29-37 and Col. 8 Lines 31-51 and col. 52 Paragraph 1).

13 *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this
Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

18 A shortened statutory period for reply to this final action is set to expire THREE
19 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
20 MONTHS of the mailing date of this final action and the advisory action is not mailed until after
21 the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
22 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


Art Unit: 2131

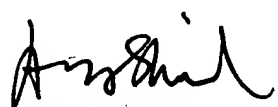
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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2/6/2007


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